

UNITED STATE DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

JAMES THOMAS

Plaintiffs

V.

JACOBS ET AL

Defendants

MOTION FOR  
APPOINTMENT OF  
COUNSEL

7:19-cv-06554-CS

Pursuant to 28 U.S.C. § 1915(e)(1) Plaintiff (OR Plaintiffs) moves for an order appointing Counsel to represent him in this Case. IN Support of this motion, Plaintiff States,

1. Plaintiff is unable to afford Counsel. He has requested leave to Proceed in forma PAUPERIS.
2. Plaintiff's imprisonment will greatly limit his ability to litigate. The issues involved in this Case are Complex, and will require Significant Research and investigation. Plaintiff has limited Access to the law library and limited Knowledge of the law.
3. A trial in this Case will likely involve

Conflicting testimony, and Counsel would better enable plaintiff to Present Evidence and Cross Examine witnesses.

4. Plaintiff has made repeated Efforts to obtain a lawyer. Attached to this motion are letters stating they can't take my case.

WHEREFORE, Plaintiff request that the Court appoint Gamiel A. Ramson as Counsel in this case. 277 Broadway Suite 1500  
212-962-0801. New York NY 10007

Jan 12, 2020

James Thomas  
JAMES THOMAS

Wende Correctional Facility  
PO Box 1187  
Alden, New York 14004

If Mr. Ramson is willing to represent Mr. Thomas for free, that is of course fine with the Court, but the Court has no ability to appoint anyone in a civil case. As I think I explained at our 1/16/20 conference (which occurred after this letter was written), litigants in civil cases have no right to counsel; there are many more parties who would like volunteer counsel than there are lawyers who are willing to volunteer; one of the main factors I look at in deciding whether to seek volunteer counsel is whether the case is likely to have merit, *see Hodge v. Police Officers*, 802 F.2d 58 (2d Cir.1986); and I cannot tell yet whether Plaintiff's case is likely to have merit. So the application is denied, without prejudice to renewal at a later stage of the case. The Clerk shall send a copy of this endorsement to Mr. Thomas.

SO ORDERED.

1/24/20

Cathy Seibel



VAHEY  
GETZ LLP

LAURIE A. VAHEY, ESQ., MANAGING PARTNER  
WRITER'S TELEPHONE NUMBER: (585) 262-5130  
FAX NUMBER: (585) 262-3474  
E-mail: [lvahey@vaheygetz.com](mailto:lvahey@vaheygetz.com)

144 Exchange Boulevard, Suite 400  
Rochester, NY 14614 | 585.262.5130

[vaheygetz.com](http://vaheygetz.com)

January 6, 2020

Mr. James Thomas  
05A3559  
Wende Correctional Facility  
Wende Rd., P.O. Box 1187  
Alden, New York 14004-1187

**Re: Letter dated December 28, 2019**

Dear Mr. Thomas:

Thank you for your letter dated December 28, 2019, received January 2, 2020.

Unfortunately, our office is unable to assist you in your matter. This does not mean you do or do not have a case. It merely means that we are unable to assist you at this time. I do wish you the best of luck in the future.

Very truly yours,

A handwritten signature in cursive script that reads 'Laurie A. Vahey'.

Laurie A. Vahey

LAV/sjm

W E I T Z  
&  
L U X E N B E R G  
A PROFESSIONAL CORPORATION  
• LAW OFFICES •

700 BROADWAY • NEW YORK, NY 10003-9536  
TEL. 212-558-5500 FAX 212-344-5461  
WWW.WEITZLUX.COM

PERRY WEITZ  
ARTHUR M. LUXENBERG

ROBERT J. GORDON ††

PHAN T. ALVARADO  
BENNO ASHRAFI †  
MICHAEL R. BARRY --  
PETER C. BEIRNE †  
JAMES J. BILSBORROW  
DEVIN BOLTON †  
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NANCY M. CHRISTENSEN ††  
C. MICHELLE CLEMMENS  
THOMAS COMERFORD †† §  
ADAM R. COOPER  
TERESA A. CURTIN ††  
BENJAMIN DANCHE  
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LEONARD F. FELDMAN †

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BRETT F. FULLER  
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JEFFREY S. KANCA ♦♦  
DAVID M. KAUFMAN ††  
GARY R. KLEIN ††  
DANNY R. KRAFT, JR.  
JERRY KRISTAL \*\*§  
JOSH KRISTAL †  
DEBBI LANDAU

LAURA COVEY LASZEWSKI --  
JOSEPH LOLOI  
MAJA LUKIC  
CURT D. MARSHALL †  
BRENDAN A. MCDONOUGH ††  
KRISTEN B. MILLER ††  
MICHELLE C. MURTHA †§  
MELINDA DAVIS NOKES \*\*  
PAUL F. NOVAK \*  
JOSIAH W. PARKER †  
MICHAEL F. PEDERSON  
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BRANDON H. PERLMAN  
STUART S. PERRY \*  
ADAM C. RAFFO  
PIERRE RATZKI  
ELLEN RELKIN \*\* §§  
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MICHAEL P. ROBERTS  
CHRIS ROMANELLI ††  
DAVID ROSENBERG  
MARIANA ROSSMAN --  
BRITTANY A. RUSSELL --  
JESSICA RUSSELL  
PETER SAMBERG ††  
LEONARD SANDOVAL †  
GENNARO SAVASTANO

JONATHAN M. SEDGH  
ALEXANDRA SHEF †  
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ROBERT M. SILVERMAN †  
GREGORY STAMATOPOULOS \*  
TYLER R. STOCK †  
ADAM L. STOLTZ  
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JAMES S. THOMPSON ††  
CHEYNA R. VOLKOV  
WILLIAM A. WALSH \*\*  
JASON M. WEINER \*\*  
JASON P. WEINSTEIN  
MARK S. WEINSTEIN †† ♦  
LAUREN A. WEITZ  
JUSTIN J. WEITZ  
JAMES J. WENZEL †  
MARC I. WILLICK †  
NEIDRA S. WILSON †  
NICHOLAS WISE \*\*  
KONSTANTIN YELISAVETSKIY  
ALLAN ZELIKOVIC  
GLENN ZUCKERMAN

\* Of Counsel  
† Admitted only in CA  
§§ Admitted only in IL  
♦ Admitted only in LA  
\* Admitted only in MA  
\* Admitted only in MI  
♦ Admitted only in MO  
-- Admitted only in PA  
- Admitted only in WI  
ΔΔ Also admitted in CA  
\*\* Also admitted in CO  
† Also admitted in CT  
§ Also admitted in DC  
\* Also admitted in FL  
†† Also admitted in NJ  
† Also admitted in PA  
†† Admitted only in CA, PA & WI  
\*\* Admitted only in DC & MD  
† Admitted only in NJ & PA  
\* Admitted only in NJ, PA & WV  
† + Also admitted in MD & NJ  
† Also admitted in NJ & CT  
\* Also admitted in NJ & DC  
†† Also admitted in NJ & ME  
-- Also admitted in NJ & PA  
\*\* Also Admitted in NJ & WV  
- Also admitted in CT, FL & NJ  
♦♦ Also admitted in CT, MA, & RI  
†† Also admitted in DC, IL, MO, NJ & PA  
\* + Also admitted in DC, MD, NJ, PA & VA  
EE Certified Atty. NJ Supreme Court

April 11, 2019

James Thomas DIN# 05A3559  
Sullivan Correctional Facility  
P.O. Box 116  
Fallsburg, NY 12733

Dear Mr. Thomas:

Thank you for your recent inquiry regarding case evaluation. Please be advised based on your submission we cannot assist you concerning this matter.

Feel free to consult with other counsel.

Very Truly Yours,

Weitz & Luxenberg, P.C.

Enclosure

MARCUS J. MOLINARO  
COUNTY EXECUTIVE



JAMES M. FEDORCHAK  
COUNTY ATTORNEY

**COUNTY OF DUTCHESS**  
DEPARTMENT OF LAW

April 15, 2019

James Thomas, DIN #05-A-3559  
Sullivan Correctional Facility  
PO Box 116  
Fallsburg, NY 12733

RE: Correspondence of James Thomas  
Our File No. L-0099-2019

Dear Mr. Thomas:

I am responding to your letter, dated April 10, 2019, which was addressed to this office.

Unfortunately this office is not permitted to provide legal advice to individuals. We only represent Dutchess County, its departments and agencies.

However, please be advised that given the serious content of your letter, I have forwarded a copy to the New York State Attorney General's office in Albany, and, the Attorney General's Poughkeepsie Regional Office (which covers Sullivan County).

I hope this response is helpful.

Very truly yours,

LINDA D. FAKHOURY  
Senior Assistant County Attorney

LDF/sjm

cc: Office of the NYS Attorney General  
The Capitol  
Albany, NY 12224-0341 (w/encl.)

Office of the NYS Attorney General:  
Poughkeepsie Regional Office  
One Civic Center Plaza, STE 401  
Poughkeepsie, NY 12601-3157 (w/encl.)



**SUSSMAN & ASSOCIATES**

- Attorneys at Law -

MICHAEL H. SUSSMAN  
JONATHAN R. GOLDMAN

1 Railroad Ave. - Suite 3  
P.O. Box 1005  
Goshen, New York 10924

(845) 294-3991  
Fax: (845) 294-1623  
sussman1@frontiernet.net

LEGAL ASSISTANT  
GERI PRESCOTT

May 6, 2019

Sullivan Correctional Facility  
James Thomas  
DIN:05A3559  
PO Box 116  
Fallsburg, NY 12733

**RE: Intake Form Response**

Dear James Thomas,

Upon review of the Intake Form you have submitted to our office, we are informing you that we are not able to represent you in the matter for which you are requesting assistance. We are not commenting on the case and this decision does not necessarily reflect the merit of your claim.

Please seek legal assistance elsewhere if you still feel you have a legal claim. You can contact your local county Bar Association for assistance in finding an attorney.

Sincerely,



Michael H. Sussman

MHS

If checked, please respond to one of our office located at:

☐ 11 Fowler St.  
Port Jervis, N.Y. 12771  
(845) 294-3991

☐ 159 Canal St.  
Ellenville, N.Y. 12428  
(845) 294-3991

☐ 42 W. Main St.  
Liberty, NY 12754  
(845) 294-3991

June 27, 2019

James Thomas  
05-A-3559  
Wende Correctional Facility  
P.O. Box 1187  
Alden, NY 14004-1187

Dear Mr. Thomas:

We recently received your letter seeking legal assistance. Regrettably, we have determined that we cannot provide you with the assistance you requested. If you have asked for some form materials or we believe we have form materials that may be helpful to you, we are enclosing these materials with this letter. We are also returning any papers you sent.

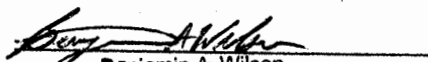
Sincerely yours,



James Bogin  
Senior Supervising Attorney

Sworn to me this

14 day of January, 2020.



Benjamin A. Wilson  
Notary Public, State of New York  
Reg. No. 01WI6298376  
Qualified in Erie County  
Commission Expires 3/10/2022



RutbergBreslow.com

April 03, 2019

James Thomas – DIN #05A3559  
Sullivan Correctional Facility  
P.O. Box 116  
Fallsburg, NY 12733-0116

**Re: DIN #05A3559**

Dear Mr. Thomas:

We received your letter of March 30, 2019.

We are sorry to learn of your difficulties but our firm is not in a position to handle your matter.

Very truly yours,

RUTBERG BRESLOW PERSONAL INJURY LAW

**Hudson Valley**

3344 Route 9 North  
Poughkeepsie, NY 12601  
\*please send all mail to the  
Hudson Valley Office  
tel: 845.486.0300  
fax: 845.486.0270

**Orange County**

Middletown  
tel: 845.566.4321

**Catskills**

Monticello  
tel: 845.791.4321

**Mohawk Valley**

Utica  
tel: 315.724.4321

**Capital District**

Albany  
tel: 518.432.4321

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**We Help Injured People and Their Families**

Counsel: Marty Rutberg: *Partner* | Larry Breslow: *Partner*  
Jennifer L. Langley | Levi Lipton | Gerald A. Vergilis: *Of Counsel*



**AFFIDAVIT OF SERVICE**

STATE OF NEW YORK     )  
  )ss.,  
COUNTY OF ERIE     )

I, JAMES THOMAS, being duly sworn deposes and says:

1. I am over 18 years of age and reside at the Wende Correctional Facility, located at 3040 Wende Road, P.O. Box 1187, Alden, N.Y. 14004-1187.
2. On the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, I placed and submitted a true and exact copy of the following documents:

Motion For Appointment of Counsel  
Letters From ATTORNEYS

in a properly sealed post paid wrapper, and deposited same in a official receptacle under the exclusive care and control of the United States Postal Service, within the State of New York Department of Correctional and Community Services, mailing such documents to the following parties:

Southern District of NY  
500 Pearl Street  
New York NY 10007

Respectfully submitted

James Thomas  
Pro-se,  
Wende Corr. Facility

Sworn to me this  
14 day of January, 2020.

Benjamin A. Wilson  
Notary Public, State of New York  
Reg. No. 01WI6298376  
Qualified in Erie County  
Commission Expires 3/10/2022

**WENDE CORRECTIONAL FACILITY**

Wende Rd., P.O. Box 1187  
Alden, New York 14004-1187

NAME: James Thomas DIN: 05A3559

ALV

JAN 14 2020

RECEIVED

JAN 14 2020

PRO SE OFFICE

RECEIVED

RECEIVED

01/15/2020 \$200.00

04/16/2020

10: Southern District of New York  
UNITED STATES COURTHOUSE  
500 PEARL STREET  
NEW YORK, NEW YORK 10007

10007-130059

01/17

